

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HONEY BEAR TREE FRUIT COMPANY
LLC,

Plaintiff,

v.

NAVIGATORS INSURANCE COMPANY,
a foreign insurer,

Defendant.

No.: 2:22-cv-00252-TSZ

STIPULATION AND ORDER OF
DISMISSAL

The parties hereby stipulate that settlement and release of all claims asserted in this action has been consummated and that

1. Plaintiff's claims relating to or arising out of defendant's Open Cargo Policy No. IS18CAR0A3SGO01 (formerly CH0A3SGO01) ("the Policy") for damage to or loss of plaintiff's cargo of apples, the costs for discharging containers at Singapore, the cost of trucking containers from Seattle to Wapato, Washington, and the cost of dumping fruit at a landfill in Zillah, Washington, and all related costs, fees, or expenses incurred by Honey Bear, including but not limited to all statutory rights, contractual rights, and rights arising in tort or otherwise, including but not limited to claims for breach of contract, breach of the covenant of good faith and fair dealing, bad faith, the Washington Insurance Fair Conduct

Act (RCW 48.30.015), WAC 284-30-300 et seq., the Washington Consumer Protection Act (RCW 19.86 et seq.), claims for compensatory damages, emotional distress, or punitive damage thereunder, and any similar claims existing under New York or federal maritime law, together with plaintiff's claims for attorney fees, costs, and expenses in pursuing the aforementioned claims and coverage under the Policy, may be dismissed with prejudice and without costs to either party; and

2. Plaintiff's claims relating to or arising out of the Policy for return freight from Singapore to Seattle, container storage, and container demurrage, including but not limited to all statutory rights, contractual rights, and rights arising in tort or otherwise, including but not limited to claims for breach of contract, breach of the covenant of good faith and fair dealing, bad faith, the Washington Insurance Fair Conduct Act (RCW 48.30.015), WAC 284-30-300 et seq., the Washington Consumer Protection Act (RCW 19.86 et seq.), claims for compensatory damages, emotional distress, or punitive damage thereunder, and any similar claims existing under New York or federal maritime law, together with plaintiff's claims for attorney fees, costs, and expenses in pursuing the aforementioned claims and coverage under the Policy, may be dismissed without prejudice and without costs to either party .

DATED: March 14, 2023

McGEE LAW OFFICES PLLC

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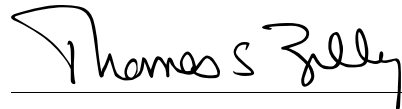
4863-5499-4263.1

ORDER

Pursuant to the foregoing stipulation, it is hereby

SO ORDERED.

DATED this 14th day of March, 2023.



Thomas S. Zilly
United States District Judge

Presented by:

BULLIVANT HOUSER BAILEY PC

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